

Summary of Reports Required by Statute
Relevant to Education and Local Government Committee
Presented to ELG June 2012

HB 142, enacted in 2011, amends 5-5-215, MCA, to include among all interim committees' duties the review of statutorily-established advisory councils and required reports of assigned agencies and to make recommendations to the next legislature on retention or elimination of any advisory council or required report.

The following reports, arranged by the entity responsible for reporting, are relevant to ELG's subject-area jurisdiction or are required of the agencies that ELG must monitor.

1. **Reporting Entity:** Office of Public Instruction
Report Title: At-Risk Students Report
Citation: 20-9-328, MCA
Statute Text: . . . (3) On or before September 15, 2010, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of at-risk students using fiscal year 2006 data as a baseline.

Comments: OPI provided the report in September 2010. The introduction reads, in part:

Beginning in FY 2007, the Montana Legislature provided \$5 million annually to local school districts for educational services for at-risk students (see Appendix 1). The at-risk payment is distributed in the same manner as federal Title I monies. If a district is not eligible for Title I funding, it does not receive an at-risk payment. The funding was provided for three years, but was not funded for FY 2010 and FY 2011. The law which establishes the at-risk student payment also requires the Office of Public Instruction to report to the Governor and the Legislature on the change in status of standardized test scores, graduation rates, and dropout rates of at-risk students using fiscal year 2006 data as a baseline (20-9-328, MCA). This report provides that status.

Statute text indicates that this was intended to be a one-time-only report.

Link to Report: <http://leg.mt.gov/css/Services%20Division/Reference%20Center/>

2. **Reporting Entity:** Office of Public Instruction
Report Title: American Indian Achievement Gap Report
Citation: 20-9-330, MCA
Statute Text: . . . (4) On or before September 15, 2010, the office of public instruction shall report to the governor and the legislature on the change in status of standardized test scores, graduation rates, and drop-out rates of American Indian students using fiscal year 2006 data as a baseline.

Comments: OPI provided the report in the Fall of 2010. The introduction reads, in part:

In 2007, the Montana State Legislature passed Montana Code Annotated 20-9-330, appropriating \$200 per American Indian child, totaling over \$3 million dollars per year, to provide funding to school districts for the purpose of closing the educational achievement gap that exists between American Indian students and non-Indian students. According to MCA 20-9-330 (2) (a), funds were to be determined by "...using the number of American Indian students enrolled in the district based on the count of regularly enrolled students on the first Monday in October of the prior school year as reported to the Office of Public Instruction" and deposited into the district's general fund.

Statute text indicates that this was intended to be a one-time-only report.

Link to Report: <http://leg.mt.gov/content/Publications/services/agency-reports/Indian-Student-Data.pdf>

3. **Reporting Entity:** Office of Public Instruction
Report Title: Biennial Report of the Superintendent of Public Instruction
Citation: 20-3-105, MCA
Statute Text: In administering the affairs of the office, the superintendent of public instruction has the power and it is the superintendent's duty to: . . . (7) if considered necessary, publish a biennial report of the superintendent of public instruction; . . .

Comments: The Superintendent of Public Instruction's preparation of the report is discretionary.

4. **Reporting Entity:** Education Commission of the States
Report Title: Education Commission of the States
Citation: 20-2-501, MCA
Statute Text: (10) The commission annually shall make and provide to the governor and legislature of each state that has entered into the compact a report covering the activities of the commission for the preceding year. The commission may make any additional reports as it considers desirable.

Comments: Montana's membership is provided for in 20-2-502 and includes the Governor, one senator appointed by the Committee on Committees, one representative appointed by the Speaker of the House, the Superintendent of Public Instruction, and three persons appointed by the Governor, including one educator engaged in the field of higher education and two educators engaged in the field of K-12 education.

Members listed on the ECS website are: Denise Juneau, Superintendent of Public Instruction; Jane Karas, President, Flathead Valley Community College; Sue Malek, State Representative; Linda McCulloch, Secretary of State; Brian Schweitzer, Governor; Carmen Taylor, Academic Vice President, Salish Kootenai College.

This reporting requirement is part of an interstate compact that should not be revised without concurrence of compact states.

Link to Report: A variety of reports are available on the ECS website:
<http://www.ecs.org/>

5. **Reporting Entity:** Board of Regents
Report Title: Carl D. Perkins Career and Technical Education Improvement Act, 2006 -- Legislative Report
Citation: 20-7-330, MCA
Statute Text: (1) The superintendent of public instruction and the commissioner shall each appoint three people from their respective advisory boards to serve on a committee to review and update the 5-year state plan for career and technical education as required by 20 U.S.C. 2323. Two members appointed from each advisory board must be educators, and the remaining member appointed from

each advisory board must be a representative of a business or community interest.

(2) At least four times a year, the board of regents shall meet with the superintendent of public instruction, teachers, students, labor organizations, businesses, and institutions or agencies involved in vocational and technical education to:

(a) discuss the state plan;

(b) identify any issues or concerns with the administration of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 in Montana;

(c) identify the needs of technical students and programs in Montana and determine the best way to meet those needs; and

(d) if necessary, make changes in the administration and operation of the Carl D. Perkins Career and Technical Education Improvement Act of 2006 in Montana.

(3) The board of regents shall report the results of the meetings required in subsection (2) to the legislature in accordance with the provisions of 5-11-210.

Comments:

This report was last provided on August 31, 2010. An introductory paragraph states:

This report provides a summary of the Carl D. Perkins legislation reauthorized in 2006 and the steps taken during the years 2008-2010 to advance the vision and goals of the Montana State Plan for Career and Technical Education. The report provides background on Montana's State Plan, changes of direction since the plan was implemented, and a progress report on each of the plan's major goal areas.

Link to Report:

<http://leg.mt.gov/content/Publications/services/agency-reports/Carl-D-Perkins.pdf>

6. Reporting Entity:

Western Interstate Commission for Higher Education (WICHE)

Report Title:

Western Regional Higher Education Compact Report

Citation:

20-25-801, MCA

Statute Text:

(6) On or before January 15 of each year, the commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the preceding calendar year.

Comments:

This reporting requirement is part of an interstate compact that should not be revised without concurrence of compact states.

Link to Report: <http://www.wiche.edu/info/publications/WICHEar2011.pdf>

7. **Reporting Entity:** Montana Historical Society
Report Title: Biennial Report to the Governor and the Legislature
Citation: 22-3-107, MCA
Statute Text: The powers and duties of the trustees are as follows : . . (8) to report to the governor and, as provided in 5-11-210, the legislature biennially. The report must include a statement of all important transactions and acquisitions, with suggestions and recommendations for the better realization of the purposes of the society and the improvement of its collections and services.

Link to Report: <http://leg.mt.gov/content/Publications/services/agency-reports/Montana-Historical-Society.pdf>

8. **Reporting Entity:** State Historic Preservation Office
Report Title: State Agency Heritage Properties
Citation: 22-3-423, MCA
Statute Text: The State Historic Preservation Officer must report information gathered under 22-3-422: the status and stewardship of state agencies' and the university system's heritage properties as required in 22-3-424, along with recommendations regarding management of the properties.

Comments: SB 3, enacted during the 2011 Legislature, initiated this reporting requirement. The information is being collected and compiled and the first report from the SHPO is scheduled to be presented to ELG at the September meeting.

Link to Report: SHPO's website contains comprehensive information about the properties and the reporting requirements:
<http://www.montanahistoricalociety.com/shpo/State-owned%20Heritage%20Properties.asp>